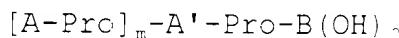




By way of preliminary amendment, claims 1-12, 19 and 20 have been cancelled. Claims 13-18 are pending.

◆ ◆

This application contains claims directed to the compounds encompassed by claim 13. Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claim 13 is drawn to peptides of the following formula, wherein A and A' are amino acids, and "m" is an integer between 1 and 10:



For any A and A', a change in the value of "m" will lead to a patentably distinct compound. A change in "A" from, e.g., lysine to glutamic acid or from tryptophan to valine would lead to patentably distinct compounds. However, a change from leucine to valine or from phenylalanine to tyrosine would lead compounds which are "obvious variants" (barring a showing of significant change in biological properties).

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a generic claim is allowable or that all claims are generic is

Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 509.02(a).

Should applicant traverse on the ground that the species are not patentable distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103 of the other invention.

Applicant is advised that for the response to this requirement to be complete, an election of the invention to be examined must be indicated, even if the requirement is traversed (37 C.F.R. 1.143).

A telephone call was made to Paul Clark on 5/20/96 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is (703) 308-3213.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 303-0196.



DAVID LUKTON  
VENT EXAMINER  
1701P 1800